

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MEGAN D.,

Plaintiff,

Case No. 1:23-cv-10004

v.

Honorable Thomas L. Ludington
United States District Judge

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Honorable Elizabeth A. Stafford
United States Magistrate Judge

/

**OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING PLAINTIFF'S MOTION FOR ATTORNEY'S FEES**

In March 2023, Plaintiff Megan D.'s social-security-benefits case was remanded to the Commissioner for further administrative action. *See* ECF Nos. 6; 7. In April 2024, Plaintiff filed a motion for attorney's fees under 42 U.S.C. § 406(b). ECF No. 10. Plaintiff proposes an award of \$14,757.73, which would be withheld from her past-due disability benefits and paid to her Counsel of record, Attorney Daniel S. Jones of the Law Offices of Harry J. Binder and Charles E. Binder, P.C. ECF No. 14 at PageID.919–20. Upon receipt of this sum, Plaintiff's Counsel would then “reimburse [P]laintiff the \$3,834.65 that was awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.” *Id.* at PageID.920.

Plaintiff's Motion was referred to Magistrate Judge Elizabeth A. Stafford, ECF No. 13, who issued her Report and Recommendation (R&R) on April 10, 2024. ECF No. 14. Judge Stafford concluded that Plaintiff's proposed attorney's fees award was proper and recommended this Court grant Plaintiff's Motion in its entirety. *Id.* at PageID.923.

Judge Stafford provided the Parties 14 days to object, but the Parties did not do so. Thus, they have forfeited their right to appeal Judge Stafford's findings. *See Berkshire v. Dahl*, 928 F.3d

520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in Judge Stafford’s R&R.

Accordingly, it is **ORDERED** that the Magistrate Judge’s Report and Recommendation, ECF No. 14, is **ADOPTED**.

Further, it is **ORDERED** that Plaintiff’s Motion for Attorney’s Fees, ECF No. 10, is **GRANTED**.

Further, it is **ORDERED** that Plaintiff’s Counsel is **AWARDED \$14,757.73** in attorney’s fees, to be withheld from Plaintiff’s past-due disability benefits award.

Further, it is **ORDERED** that, upon receipt of this attorney’s fees award, Plaintiff’s Counsel is **DIRECTED** to reimburse Plaintiff **\$3,834.65** that was awarded under the Equal Access to Justice Act.

Dated: April 25, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge